

DRAFT
MINUTES OF THE CITY COUNCIL
OF THE CITY OF GREENSBORO, NC

REGULAR MEETING

19 OCTOBER 1999

The City Council of the City of Greensboro met in regular session at 6:00 p.m. on the above date in the Council Chambers of the Melvin Municipal Office Building with the following members present: Mayor Carolyn S. Allen, presiding; Councilmembers Claudette Burroughs-White, Sandra G. Carmany, Keith A. Holliday, Yvonne J. Johnson, Earl F. Jones, Nancy (Mincello) Vaughan, Robert V. Perkins and Donald R. Vaughan. Absent: None. Also present were J. Edward Kitchen, City Manager; Linda A. Miles, City Attorney; and Susan E. Crotts, Deputy City Clerk.

The meeting was opened with a moment of silence and the Pledge of Allegiance to the Flag.

The Manager recognized, Rick Langhorne, employee in the Department of Technology and Facilities, who served as the courier for the meeting.

The Mayor outlined the council procedure for conduct of the meeting.

The Manager stated that the Council had been provided an addendum to the agenda.

Exercising the prerogative of chair, the Mayor introduced from the agenda addendum a resolution designating the East Market Street Development Corporation as the recipient of a donation from the National League of Cities in conjunction with the Howland Urban Enrichment Award. The Mayor recognized Sue Schwartz, a Housing and Community Development Community Planner, for her leadership on the project ; noted that with the award a \$2000 grant would be provided; and stated that Council approved of designating the East Market Street Development Corporation Board to receive the grant to enhance their efforts along that corridor.

Councilmember Burroughs-White stated she was a member of the East Market Street Development Corporation Board and expressed pride in this accomplishment. Council commended Sue Schwartz for her efforts.

Councilmember Burroughs-White moved the resolution. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, (Mincello) Vaughan, Perkins and Vaughan. Noes: None.

181-99 RESOLUTION DESIGNATING THE EAST MARKET STREET DEVELOPMENT CORPORATION AS THE RECIPIENT OF A DONATION FROM THE NATIONAL LEAGUE OF CITIES IN CONJUNCTION WITH THE HOWLAND URBAN ENRICHMENT AWARD.

WHEREAS the City of Greensboro has been selected to receive the 1999 James C. Howland Award for Urban Enrichment by the National League of Cities for the East Market Street Corridor Plan and implementation efforts;

WHEREAS, as part of the award the elected leadership of the City of Greensboro may designate a non-profit community organization to receive a donation of \$2,000 from the NLC;

WHEREAS, the East Market Street Development Corporation has been designated twice previously by Council resolution as the "lead agent" for the implementation efforts in the East Market Street Corridor and has been effectively serving in that role for more that two years.

NOW, THERE FORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the East Market Street Development Corporation be the recipient of the \$2,000 donation in conjunction with the 1999 James C. Howland Award.

(Signed) Claudette Burroughs-White

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Mayor Allen stated that this was the time and place set for a public hearing to consider a resolution authorizing amendment to joint annexation agreement between the cities of Greensboro and High Point to modify the existing annexation agreement line in the area along Guilford College Road near the Urban Loop and Wendover Avenue.

The Manager stated that High Point approved of the annexation agreement.

The Mayor administered the oath to those who wished to speak to the matter.

C. Thomas Martin, Planning Department Director, presented a map showing Greensboro, High Point and the proposed adjustment of the existing boundary lines relative to the urban loop.

Mayor Allen asked if anyone wished to speak to this matter.

There being no one else present wishing to speak to the matter, Councilmember Johnson moved the resolution. The motion was seconded by Councilmember Carmany; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, (Mincello) Vaughan, Perkins and Vaughan. Noes: None.

184-99 **RESOLUTION AUTHORIZING AN AMENDMENT TO THE ANNEXATION
AGREEMENT BETWEEN THE CITIES OF GREENSBORO, NORTH CAROLINA
AND HIGH POINT, NORTH CAROLINA.**

WHEREAS, the cities of Greensboro and High Point adopted a mutual annexation agreement in December, 1988 in accordance with North Carolina 1987 Session Law Chapter 1009, Section 1 et seq. which authorizes municipalities located in Guilford County to enter into such agreement: and

WHEREAS, North Carolina 1987 Session Law Chapter 1009, Section 4(6) allows for this agreement to be modified by a subsequent agreement between the participating jurisdictions; and

WHEREAS, the intent of these agreements is to allow for orderly development in unincorporated areas between the two jurisdictions;

WHEREAS, pursuant to public hearing held on October 19, 1999, and after due consideration of the proceedings, it is deemed in the best interest of the City to authorize an amendment to the joint annexation agreement between the Cities of Greensboro and High Point, with said agreement being for a term which expires December 20, 2018 and being presented herewith this day.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
GREENSBORO:**

That the amendment to the joint annexation agreement between the Cities of Greensboro and High Point which is presented herewith this day is hereby approved, and the Mayor and the City Clerk are hereby authorized to execute said agreement on behalf of the City of Greensboro.

(Signed) Yvonne Johnson

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Mayor Allen stated that this was the time and place set for a public hearing to consider an ordinance rezoning from Light Industrial to Conditional Use-General Business for property located on the east side of Church

Street between Berryman Street and Bach Terrace; this matter being heard on appeal filed by Sue Cousins Snouffer after receiving a 5-1 vote of the Zoning Commission to recommend denial of the rezoning.

The Mayor administered the oath to those who wished to speak to the matter.

Mr. Martin presented slides showing the area and surrounding property of the requested rezoning and provided the following staff presentation:

This request is to rezone property from Light Industrial to Conditional Use – General Business.

The Light Industrial District is primarily intended to accommodate limited manufacturing, wholesaling, warehousing, research and development, and related commercial/service activities.

The General Business District is primarily intended to accommodate a wide range of retail, service, and office uses.

CONDITIONAL USE CONDITIONS FOR THE REQUESTED ZONING DISTRICT

- 1) Uses limited to a pawnshop and all uses in General Business which are also allowed in Light Industrial.

Mr. Martin presented slides and described the property, surrounding land use and zoning; he stated the Planning Department recommended approval of the request, the Zoning Commission voted 5-1 to recommend denial of the request and that the Zoning Commission's motion was included at the end of the staff report.

Mayor Allen asked if anyone wished to speak to the matter.

William Snouffer, residing at 3402 Hadham Place and representing Walter Banks, provided information to Council; outlined the history of the pawn store on Church Street and its owners; and requested Council to allow the operation of the store by granting the rezoning request.

Mr. Martin provided the following staff recommendation:

The Planning Department recommends that this request be approved. With the amended condition, it will be insured that land uses on this property will continue to be compatible with the extended Light Industrial area that surrounds it. Use of the property for a pawnshop will be permitted; however, more intensive commercial uses such as a restaurant with drive-thru service, a bar, or other more intensive retail and service uses would not be allowed since, by the amended condition, only those uses allowed in LI which are also permitted in GB could be placed on this property.

Following brief discussion regarding spot zoning and the limited nature of the condition of the proposed rezoning, Councilmember Jones moved that the ordinance rezoning this property to Conditional Use – General Business be approved based on the following findings of fact:

- 1) The development of the property in accordance with the proposed conditions will not materially endanger the public health or safety because there are no health or safety concerns inherent in the current use of the property.
- 2) The development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property because the potential for compatible uses with light industrial zoning has been retained in the use limitations.
- 3) The location and character of the development in accordance with the proposed conditions will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City and its environs because more intensive retail and service development has been excluded as potential uses of the property.

The motion was seconded by Councilmember Johnson; the ordinance was adopted on the following roll call vote:
Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, (Mincello) Vaughan, Perkins and Vaughan.
Noes: None.

99-179

AMENDING OFFICIAL ZONING MAP AND AUTHORIZING
ISSUANCE OF CONDITIONAL USE PERMIT

EAST SIDE OF CHURCH STREET BETWEEN BERRYMAN STREET AND BACH TERRACE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by rezoning from Light Industrial to Conditional Use – General Business (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point in the eastern right-of-way line of Church Street, said point being 700 feet along the eastern right-of-way line from the intersection with the northern right-of-way line of Bach Street; thence along said eastern right-of-way line N23°07'W 50 feet to a point; thence N66°53'E 134.20 feet to a point; thence S23°07'E 50 feet to a point; thence S66°53'W 134.20 feet to the point and place of BEGINNING, containing approximately 0.168 acre and being Guilford County Tax Map 550, Block 1, Lot 57.

Section 2. That the issuance of a Conditional Use Permit in accordance with the above-mentioned change in zoning classification is hereby authorized subject to the following use limitations and conditions:

- 1) Uses limited to a pawnshop and all uses in General Business which are also allowed in Light Industrial.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development to be made pursuant to any Conditional Use Permit shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

(Signed)Earl Jones

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Mayor Allen stated that this was the time and place set for a public hearing to consider an Ordinance rezoning from RS-12 Residential Single Family to Conditional Use-RM-12 Residential Multifamily for property located west of the terminus of Sundown Drive, east of Friendway Road and north of the terminus to Lea Ray Drive—this matter being heard after receiving a 5-1 vote of the Zoning Commission to recommend denial of the rezoning. (roll call vote) (Attachment #7 (PL(Z)99-39) to Council members)

The Mayor administered the oath to those who wished to speak to the matter.

Mr. Martin provided the following staff recommendation:

Request

This request is to rezone property from RS-12 Residential Single Family to Conditional Use – RM-12 Residential Multifamily.

The RS-12 District is primarily intended to accommodate single family detached dwellings at a density of 3.0 units per acre or less.

The RM-12 District is primarily intended to accommodate multifamily uses at a density of 12.0 units per acre or less.

CONDITIONAL USE CONDITIONS FOR THE REQUESTED ZONING DISTRICT

- 1) Uses: Townhouses designed for sale.
- 2) Maximum of 50 units.
- 3) Sole access to development on this property shall be from Friendway Road.

Mr. Martin presented slides and a description of the property; spoke to surrounding land use and zoning; and stated that the Planning Department and Zoning Commission had recommended denial of the request.

Councilmember Perkins stated he would abstain from discussing and voting on this because his direct financial interest in the matter; the City Attorney agreed he should abstain.

Barry Hackett, residing at 1152 Kearns-Hackett Road in Pleasant Garden, NC, requested Council approve the zoning request. He spoke to issues involving potential cut through road changes and his views of the impact this proposal for development would have on the neighborhood.

Mr. Hackett requested Council amend the conditions of the rezoning to limit construction of the subdivision to 44 units; which would create a density lower than the minimum requirements. Councilmember Johnson moved the conditions of the rezoning be limited to construction of 44 units in the subdivision. The motion was seconded by Councilmember Vaughan and unanimously adopted by voice vote of the Council.

Mr. Hackett presented Council with notarized and un-notarized petitions purportedly signed by citizens who were in favor of the rezoning; he stated the proposed rezoning was, in his opinion, in harmony with the neighborhood. The City Attorney advised that Council could only consider as evidence petitions with notarized signatures.

Council discussed with staff various aspects of the proposed conditional use involving roadway access to Friendway Road and the process available for establishing a variance.

Barbara Smutney, residing at 6120 Westwind Drive, spoke in opposition to the rezoning and presented notarized petitions signed by neighboring residents who opposed the rezoning. She stated her thoughts regarding the accuracy of information regarding density, traffic and safety issues; and she spoke to the recommendations of the Zoning and Commission and Planning Department, which she stated she believed provided a basis for the Council to deny the rezoning request.

Robert Hafkner, residing at 6122 Lea Ray Drive; Rebecca Carr, residing at 6107 Sundown Drive; David Stump, residing at 4 Sun Oak Court; Ricky Gibson, residing at 6208 Lea Ray Drive; and Bonnie Edenfield, residing at 6208 Lea Ray Drive; also spoke in opposition to the rezoning. They cited as factors for Council to consider as a basis for denying the rezoning request, issues of substandard street widths; curb and gutter improvements; the possible construction of an access road; problems with increased noise, traffic, and safety; adverse impact on property values; proximity to local schools and lack of an adequate buffer zone.

After further discussion with Council, Mr. Martin provided the following staff recommendation.

The Planning Department recommends that this request be denied. If this property were to be combined with the St. Croix apartment development immediately to the north with access solely to West Friendly Avenue, then perhaps multifamily zoning of this property would make sense. However, staff feels that this current request, which would require separate access, will not be compatible with the surrounding single family development. Both Sundown Drive and Lea Ray Drive are stubbed to this property and a continuation of the single family development pattern makes more sense to staff.

Following brief discussion Councilmember Johnson moved that the ordinance rezoning this property to Conditional Use – RM-12 Residential Multifamily be **denied** based on the following findings of fact:

1) The location and character of the development in accordance with the proposed conditions will not be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City and its environs because a continuation of single family development would be more compatible with surrounding land use to the east and south. The motion was seconded by Councilmember Johnson. After the Council had voted, Councilmember (Mincello) Vaughan indicated that she had not voted as she had intended; the Mayor instructed the Clerk to clear the voting board. The motion to deny the rezoning was thereupon adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, (Mincello) Vaughan, and Vaughan. Noes: None, with Councilmember Perkins abstaining due to conflict of interest.

(Information provided to Council is filed in Drawer, M Exhibit number 24, which is hereby referred to and made a part of these minutes.)

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Moving to the Consent Agenda, Mayor Allen introduced the following ordinances listed on the Consent Agenda as required by the Greensboro Code of Ordinances.

- Ordinance amending Chapter 2 of the Greensboro Code of Ordinances with respect to Council meetings.

After the Mayor requested a motion to approve the ordinances, resolutions and motions on the Consent Agenda, Councilmember Vaughan moved adoption of the Consent Agenda. The motion was seconded by Councilmember Jones; the Consent Agenda was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, (Mincello) Vaughan, Perkins and Vaughan. Noes: None.

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Motion to adopt 2000 meeting schedule for City Council was unanimously adopted.

99-180

AMENDING CHAPTER 2

AN ORDINANCE AMENDING CHAPTER 2 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO COUNCIL MEETINGS

Be it ordained by the City Council of the City of Greensboro:

Section 1. That Section 2-16 of the Greensboro Code of Ordinances is hereby amended by changing two separate regular meeting dates of the City Council in 2000 as follows:

“The July 4 will not be held because the meeting date falls on a holiday”

“The August 1 meeting shall be held on July 31 in order to observe National Night Out”

Section 2. That all laws and clauses of laws in conflict of the provision of this ordinance are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective immediately upon adoption.

(Signed) Donald R. Vaughan

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185-99 RESOLUTION GRANTING ENCROACHMENT FOR AN EASEMENT ON STREET RIGHTS-OF-WAYS TO RF MICRO DEVICES, INC. AS FOLLOWS: DIAGONALLY FROM NORTHWEST RIGHT OF WAY BOUNDARY OF THE OF THE PIEDMONT TRIAD PARKWAY CUL-DE-SAC TO THE SOUTHEAST RIGHT OF WAY BOUNDARY TO INSTALL A TOTAL OF 131 LINEAR FEET OF FIBER OPTIC CABLE TO SERVE RF MICRO DEVICES, INC. SUBJECT TO AN ANNUAL ENCROACHMENT FEE FOR USE OF RIGHT-OF-WAY

WHEREAS, RF Micro Devices, Inc. has requested an encroachment easement from the City for the underground installment of 131 linear feet of private fiber optic cable in order to serve the company by providing a communication link between 7625 Thorndike Road and 7908 Piedmont Triad Parkway;

WHEREAS, plans have been submitted to the City Utilities Coordinator for approval of the construction of the communications line which would require boring under Piedmont Triad Parkway as shown on the attached map;

WHEREAS, following installation of said cable, RF Micro Devices, Inc. will provide the necessary repair, if any, of the street in compliance with City standards;

WHEREAS, RF Micro Devices, Inc. has agreed to pay a reasonable fee as a direct cost for such encroachment easement in the amount of \$3.00 per linear foot per annum so long as the fiber optic cable remains;

WHEREAS, in the opinion of the City Council, such encroachment easement for the installation of communications cable will neither cause a public nuisance nor unreasonably interfere with the use of the streets and sidewalks by the public.

NOW THEREFORE, IT BE RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That pursuant to Section 4.128(c) of the Charter of the City of Greensboro, RF Micro Devices, Inc. is hereby authorized to encroach in the above described street right-of-way for the installation of fiber optic cable in Thorndike Road as shown on the attached map, subject to an annual fee to be paid to the City in the amount of \$3.00 per linear foot of cable installed.

(Signed) Donald R. Vaughan

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186-99 RESOLUTION AUTHORIZING RELEASE OF A PORTION OF A DRAINAGE MAINTENANCE AND UTILITY EASEMENT RUNNING THROUGH THE PROPERTY AT 4030-A, LIVE OAK DRIVE

WHEREAS, there is presently a drainage maintenance and utility easement running through the property of Lot 18, Section 6, Map 1 of the Grandover Subdivision, as recorded in Plat Book 113, Page 43 in the office at the Register of Deeds of Guilford County, said property being located at 4030-A, Live Oak Drive;

WHEREAS, the owner of said property, Koury Ventures Limited, has requested the City release a portion of the existing drainage maintenance and utility easement, said easement to be released being of variable width, running through proposed Lots 100-102, Section 6 of the Grandover Subdivision, beginning at the Live Oak Drive west right of way line, just north of Postbridge Drive, running westward for approximately 270 feet, thence northwestward for approximately 180 feet, and shown as being cross-hatched on the attached drawing;

WHEREAS, the best interest of the City will be served by the release of a portion of said easement as it has no future need for the above described drainage maintenance and utility easement;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That, pursuant to authority contained in Section 4.128 of the City Charter and Section 2-155(I) of the City Code, the abandonment and release of the herein above mentioned easement is hereby approved and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper release deed for said easement.

(Signed) Donald R. Vaughan

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187-99 RESOLUTION AUTHORIZING RELEASE OF ALL OF A 20-FOOT UTILITY EASEMENT RUNNING THROUGH THE PROPERTY AT 4501 LAKE JEANETTE ROAD

WHEREAS, there is presently a 20 foot utility easement running through the property of Lot 1 of the Christian Ministries, Inc. Subdivision, as recorded in Plat Book 67, Page 105 in the office of the Register of Deeds of Guilford County, said property being located at 4501 Lake Jeanette Road;

WHEREAS, the owner of said property, Cathedral of His Glory, Inc. has requested that the City release all of the existing 20-foot utility easement, said easement to be released being 20 feet in width from the ease and north margin of said easement, beginning at the New Garden Road north right-of-way line, running northward for a distance of approximately 239 feed, thence eastward for a distance of approximately 533 feet to the east property line, and shown as being cross-hatched on the attached drawing;

WHEREAS, the best interest of the City will be served by the release of all of said easement as it has not future need for the above described 20-foot utility easement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:
That, pursuant to authority contained in Section 4.128 of the City Charter and Section 2-155 (I) of the City Code, the abandonment and release of the herein above mentioned easement is hereby approved and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper deed for said easement.

(Signed) Donald R. Vaughan

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188-99 RESOLUTION AUTHORIZING THE APPLICATION BY THE CITY OF GREENSBORO FOR
PROCUREMENT OF FEDERAL FUNDS UNDER THE FEDERAL CLEAN WATER ACT
AMENDMENTS OF 1987 FOR THE T.Z. OSBORNE WASTEWATER TREATMENT
FACILITY PHASE IV IMPROVEMENTS

WHEREAS, the Federal Clean Water Act Amendments of 1987 and the North Carolina Clean Water Revolving Loan and Grant Act of 1987 have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, and/or wastewater collection systems, and;

WHEREAS, the City of Greensboro has need for and intends to construct a wastewater treatment works project described as the T.Z. Osborne Wastewater Treatment Facility, and;

WHEREAS, the City of Greensboro intends to request state loan assistance for the project.

NOW, THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the City of Greensboro will arrange financing for all remaining costs of the project, if approved for a State Loan award.

That the City of Greensboro will adopt and place into effect on or before completion of the project a schedule of fees and charges which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the City of Greensboro agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City of Greensboro to make scheduled repayment of the loan, to withhold from the City of Greensboro any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the City of Greensboro will provide for efficient operation and maintenance of the project on the completion of construction thereof.

That J. Edward Kitchen, City Manager, and successors so titled, is hereby authorized to execute and file an application on behalf of the City of Greensboro with the State of North Carolina for a loan to aid in the construction of the project described above.

That J. Edward Kitchen, City Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application for the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the City of Greensboro has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

(Signed) Donald R. Vaughan

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189-99 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO.
99-000526 WITH LOMAX CONSTRUCTION FOR GREENE STREET PARKING DECK
GLASS CURTAIN WALLS STRUCTURAL REPAIRS PROJECT

WHEREAS, after due notice, bids have been received for structural repairs to the glass curtain walls of the Greene Street Parking Deck improvements project;

WHEREAS, Lomax Construction, a responsible bidder, has submitted the low base and alternate bid in the total amount of \$114,400.00 as general contractor for Contract No. 99-000526, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Lomax Construction is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made from Account No. 543-4531-01.6019, CBR 004.

(Signed) Donald R. Vaughan

(A tabulation of bids for this contract is filed with the above resolution and is hereby referred to and made a part of these minutes.)

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Motion to approve report of budget adjustments covering period 1 September through 30 September 1999 was unanimously adopted. (A copy of the report is filed in Exhibit Drawer M, #1 and is hereby referred to and made a part of these minutes.)

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Motion to approve minutes of regular meetings of 21 September and 6 October 1999 was unanimously adopted.

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Mayor Allen introduced a resolution authorizing City Attorney to institute proceedings to condemn portion of the property of Rodger W. Durham, in connection with the New Garden Road Widening Project; she advised this matter was continued from the October 6, 1999 meeting of Council.

The Manager stated that staff was still working on this matter and requested Council to continue this item and the next item, a resolution authorizing City Attorney to institute proceedings to condemn portion of the property

of John E. Jensen and wife, Martha M. Jensen, in connection with the New Garden Road Widening Project which was also continued from the October 6, 1999 meeting of Council.

Following brief discussion, Councilmember Jones moved the resolution authorizing City Attorney to institute proceedings to condemn portion of the property of Rodger W. Durham, in connection with the New Garden Road Widening Project and the resolution authorizing City Attorney to institute proceedings to condemn portion of the property of John E. Jensen and wife, Martha M. Jensen, in connection with the New Garden Road Widening Project, be continued to November 16, 1999. The motion was seconded by Councilmember Johnson and was unanimously adopted by voice vote of the Council.

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After the Mayor introduced an ordinance amending in the amount of \$38,750 State and Federal Grants Fund Budget to establish City of Greensboro Fire Department as a regional hazardous materials response team. Councilmember Burroughs-White moved the ordinance. The motion was seconded by Councilmember Jones; the ordinance was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, (Mincello) Vaughan, Perkins and Vaughan. Noes: None.

99-181 ORDINANCE AMENDING THE STATE AND FEDERAL GRANTS FUND BUDGET TO
ESTABLISH CITY OF GREENSBORO FIRE DEPARTMENT AS A REGIONAL
HAZARDOUS MATERIALS RESPONSE TEAM

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the State and Federal Grants Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the State and Federal Grants Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-4050-01.4730	Worker Compensation	\$3,750
220-4050-01.5428	Contracted Medical Services	6,000
220-4050-01.5520	Training	15,500
220-4050-01.6059	Other Capital Equipment	<u>13,500</u>
TOTAL:		\$38,750

And, that this increase is financed by increasing the following State and Federal Grant Fund account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-4050-01.7110	State Grant	\$38,750

(Signed) Donald R. Vaughan

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After the Mayor introduced an ordinance amending in the amount of \$38,957 State and Federal Grants Fund Budget for the awarding of arts grants for the David Dorfman Dance Company education workshops. Councilmember Johnson moved the ordinance. The motion was seconded by Councilmember Jones; the ordinance was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, (Mincello) Vaughan, Perkins and Vaughan. Noes: None.

99-182 ORDINANCE AMENDING STATE AND LOCAL GRANTS BUDGET FOR THE
AWARDING OF ARTS GRANTS FOR THE DAVID DORFMAN DANCE
COMPANY EDUCATION WORKSHOPS

Be it ordained by the city council of the city of Greensboro:

THAT THE STATE AND FEDERAL GRANT FUND BUDGET OF THE CITY OF GREENSBORO IS
HEREBY AMENDED AS FOLLOWS:

THAT THE APPROPRIATION FOR THE STATE AND FEDERAL GRANT FUND BE INCREASED AS
FOLLOWS:

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
220-5005-01.5413	CONSULTANT SERVICES	\$38,957

AND, THAT THIS GRANT MAY BE FINANCED BY INCREASING THE FOLLOWING STATE AND
FEDERAL GRANT FUND ACCOUNT:

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
220-5005-01.7100	FEDERAL GRANT	\$7,438
220-5005-01.7110	STATE GRANT	3,881
220-5005-01.8620	DONATIONS AND PRIVATE CONTRIBUTIONS	<u>27,638</u>

TOTAL:		\$38,957
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(Signed) Yvonne Johnson

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After the Mayor introduced a resolution authorizing the use of Council contingency funds in the amount of \$20,000 to support the efforts of the Greensboro Millennium Committee; Councilmember Johnson moved adoption of the resolution. The motion was seconded by Councilmember Jones; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, (Mincello) Vaughan, Perkins and Vaughan. Noes: None.

190-99 RESOLUTION AUTHORIZING THE USE OF COUNCIL CONTINGENCY FUNDS TO PROVIDE
FUNDING SUPPORT FOR THE GREENSBORO MILLENNIUM COMMITTEE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the General Fund Council Contingency Account of the City of Greensboro is
hereby amended as follows:

That the appropriation for the Council Contingency Account be decreased as
follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
101-9550-01.5990	Contingency	\$20,000

and, that the appropriation for the following General Fund account be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
101-9520-21.5931	Contrib to Non-Govt Agency	\$20,000

(Signed) Yvonne Johnson

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Mayor Allen introduced a resolution granting encroachment for an easement on street rights-of-ways to Moses H. Cone Memorial Hospital as follows: Crossing Lendew Street at 370' from the intersection of Green Valley Road and Lendew Street to install a total of 37 linear feet of fiber optic cable to serve Moses H. Cone Memorial Hospital subject to an annual encroachment fee for use of right of way.

Councilmember Vaughan moved the resolution. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, (Mincello) Vaughan, Perkins and Vaughan. Noes: None.

191-99 RESOLUTION GRANTING ENCROACHMENT FOR AN EASEMENT ON STREET RIGHTS-OF-WAYS TO MOSES H. CONE MEMORIAL HOSPITAL AS FOLLOWS: CROSSING LENDEW STREET AT 370' FROM THE INTERSECTION OF GREEN VALLEY ROAD AND LENDEW STREET TO INSTALL A TOTAL OF 37 LINEAR FEET OF FIBER OPTIC CABLE TO SERVE MOSES H. CONE MEMORIAL HOSPITAL SUBJECT TO AN ANNUAL ENCROACHMENT FEE FOR USE OF RIGHT-OF-WAY

WHEREAS, Moses H. Cone Memorial Hospital has requested an encroachment easement from the City for the underground installment of 37 linear feet of private fiber optic cable in order to serve the company by providing a communication link between the Medical Arts Center at 721 Green Valley Road and the Women's Hospital of Greensboro at 801 Green Valley Road;

WHEREAS, plans have been submitted to the City Utilities Coordinator for approval of the construction of the communications line which would require boring under Lendew Street as shown on the attached map;

WHEREAS, following installation of said cable, Moses H. Cone Memorial Hospital will provide the necessary repair, if any, of the street in compliance with City standards;

WHEREAS, Moses H. Cone Memorial Hospital has agreed to pay a reasonable fee as a direct cost for such encroachment easement in the amount of \$3.00 per linear foot per annum so long as the fiber optic cable remains;

WHEREAS, in the opinion of the City Council, such encroachment easement for the installation of communications cable will neither cause a public nuisance nor unreasonably interfere with the use of the streets and sidewalks by the public.

NOW THEREFORE, IT BE RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That pursuant to Section 4.128(c) of the Charter of the City of Greensboro, Moses H. Cone Memorial Hospital is hereby authorized to encroach in the above described street right-of-way for the installation of fiber optic cable in Lendew Street as shown on the attached map, subject to an annual fee to be paid to the City in the amount of \$3.00 per linear foot of cable installed.

Signed (Donald R. Vaughan)

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Mayor Allen introduced a resolution supporting the nomination Councilmember Robbie Perkins for the North Carolina League of Municipalities Board Region 9 position.

Councilmember Vaughan moved the resolution. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, (Mincello) Vaughan, Perkins and Vaughan. Noes: None.

192-99 RESOLUTION SUPPORTING THE NOMINATION OF COUNCILMEMBER ROBBIE PERKINS FOR THE NORTH CAROLINA LEAGUE OF MUNICIPALITIES BOARD REGION 9 POSITION

WHEREAS, Councilmember Perkins has expressed an interest in representing Region 9 on the North Carolina League of Municipalities Board;

WHEREAS, along with six years of service on the Greensboro City Council, Councilmember Perkins has served on various local government advisory boards, has chaired several economic development boards over the past ten years and has served on the North Carolina League of Municipalities Finance, Administration and Intergovernmental Relations (FAIR) Policy Committee;

WHEREAS, his varied experience in local government enables Councilmember Perkins to have an understanding of the issues facing municipalities and therefore makes him an excellent candidate to represent Region 9.

NOW, THEREFORE, BE IT RESOLVED BY THE BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Council supports the nomination of Councilmember Robbie Perkins for the Region 9 position of the North Carolina League of Municipalities Board.

Signed (Donald R. Vaughan)

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Richard Dexter, residing at 3814 Pine Top Road, spoke to sidewalk installation in progress on Pine Top Road and stated his concerns regarding the lack of other sidewalks in the neighborhood, impact on property, drainage and safety.

Council and staff discussed the County code provision requiring the sidewalks that was in place when Pine Top Road was planned and the compatible City code provision in place when the development was built. The City Attorney advised Council that the ordinance would need to be revised for the Council to have the authority to make a decision that did not meet the existing ordinance requirements. She further stated that criteria would have to apply uniformly in Greensboro for regulating sidewalks in subdivisions, rather than on a case by case basis to accommodate citizen requests. The Manager offered that staff could review the sidewalk ordinance and provide recommendations for Council's review at a November Briefing. Councilmember (Mincello) Vaughan requested consideration be given to an ordinance amendment that would require sidewalk completion prior to builders obtaining a certificate of occupancy in new developments.

Charlie Alben 3816 Pine Top Road, representing his next door neighbor, stated his neighbor's yard was in the process of sidewalk installation by Fortis Construction. The Manager suggested he would call Fortis Construction to direct them to stop all sidewalk construction on Pine Top Road until further notice and instruct them to return the resident's yard where construction had taken place to its former state.

Councilmember Jones moved that Council direct the Manager to advise Fortis Construction not to proceed with sidewalk construction on Pine Top Road, hold their bond, and bring the matter back to Council at the December 21, 1999 Council meeting. The motion was seconded by Councilmember Johnson and unanimously adopted by voice vote of the Council.

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Jenene Foust, residing at 1015-A Logan Street, requested Council to increase bus service to hourly service between 8:00 a.m. and 10:00 p.m. from downtown Greensboro to the GTCC Jamestown campus. She spoke to the history of bus service to GTCC, related funding requests, recent citizen requests to the Greensboro Transit Authority for increased service to GTCC; and the current level of service and proximity of a nearby bus route servicing Adams Farm shopping center.

Councilmember Johnson requested staff to provide data on rider increase over the past three years on the Greensboro to GTCC Jamestown bus route. The Manager stated that the Transportation Department staff would provide this information. Councilmember Burroughs-White commended Ms. Foust for bringing this matter to Council's attention and expressed her desire to provide a more flexible schedule to accommodate students' needs.

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Councilmember Johnson moved that Barney Brown be appointed to serve a term on the ABC Board; this term will expire 3 July 02. The motion was seconded by Councilmember Burroughs-White and unanimously adopted by voice vote of the Council.

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Councilmember Johnson added the names of Bernard Robinson and Suzanne Plihcik to the Boards and Commissions data bank for consideration of future service on the Human Relations Commission and moved that Robert Nunn be appointed to serve a term on the Human Relations Commission; this term will expire 15 August 02. The motion was seconded by Councilmember Vaughan and unanimously adopted by voice vote of the Council.

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Councilmember Holliday briefly discussed concerns with respect to Parks and Recreation Commission issues. The Manager stated that information would be provided by Parks and Recreation staff.

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Council member Vaughan added the name of Richard Skip More to the Boards and Commissions data bank for consideration of future service on an unspecified board or commission.

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Councilmember Burroughs-White moved that Sandra Adams be appointed to the Human Relations Commission, this term will expire 15 August 02. The motion was seconded by Councilmember Perkins and unanimously adopted by voice vote of the Council. Councilmember Burroughs-White complemented the 75th anniversary celebration of the Vance Chavis Library and encouraged citizens to visit the library.

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Councilmember Carmany added the name of Julie Davenport to the Boards and Commissions data bank for consideration of future service on the Historic Preservation Commission.

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Mayor Allen congratulated Alex and Shirley Spears for their receipt of the Crime and Justice Award at the recent Citation Dinner.

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The Manager discussed with Council rescheduling the October 26th briefing date due to the conflicting North Carolina League of Municipalities on that date. There was a consensus among Council to hold the meeting on November 9, 1999 at 9:00 a.m.

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Kato Smith, residing at 3306 Winchester Drive expressed concerns about food sales on construction sites by unlicensed persons of foreign origin and stated that he had made contact with the County Health Department and City Business License Office regarding the matter. The City Manager stated that he would determine the status of the concern from the Business License Department. Councilmember Jones requested City staff address the situation with sensitivity due to possible language barrier or other lack of awareness the reported violators might have due to their foreign origin.

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The Manager requested Council add two subjects to their planned motion to adjourn to closed session by adding "to seek advice from the City Attorney with respect to Children's Homes Society versus City of Greensboro

law suit and to discuss a legal claim.” Councilmember Johnson moved to adjourn to meet in Closed Session for the purpose of discussing an Industrial Location; to seek advice from the City Attorney with respect to Children’s Homes Society versus City of Greensboro law suit; and to discuss a legal claim. The motion was seconded by Councilmember Burroughs-White and was unanimously adopted by voice vote of the Council.

THE CITY COUNCIL ADJOURNED AT 11:19 P.M.

Carolyn S. Allen
Mayor

Susan E. Crotts
Deputy City Clerk
